



Incoming
c/007/0012
6

May 20, 2009

Ms. Angela Nance
State of Utah, Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84116

**RE: Nevada Electric Investment Company (NEICO)
Wellington Preparation Plant – Revised Reclamation Bond**

Dear Ms. Nance,

Enclosed please find a signed "*Stipulation to Revise Reclamation Agreement*" for the Nevada Electric Investment Company's (NEICO), Wellington Preparation Plant (Permit No. ACT/007/012).

This submittal is to document the policy transfer from Fidelity and Deposit Company of Maryland filed with your office in a letter dated October 21, 2008 to Bond Safeguard Insurance Company.

Also enclosed are signed copies of the following:

- 1) Affidavit of Qualification – Permittee
- 2) Affidavit of Qualification – Surety Company
- 3) Surety Bond Rider – from Bond Safeguard Insurance Company
- 4) Surety Power of Attorney – from Bond Safeguard Insurance Company

If you have any questions, please contact me directly at 702-402-5767.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony D. Garcia".

Tony D. Garcia, C.E.M.
Manager, Environmental Services
Nevada Power Company d/b/a NV Energy

cc: NEICO File
K. Cresto

RECEIVED

MAY 21 2009

DIV. OF OIL, GAS & MINING

Bond Number: 5035659

EXHIBIT "B"
SURETY BOND
(NON-FEDERAL COAL)
--ooOOoo--

This **SURETY BOND** entered into by and between the undersigned **PERMITTEE/PRINCIPAL** Nevada Electric Investment Company, and **SURETY Bond** Safeguard Insurance Company, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas & Mining (**DIVISION**) in the penal sum of (\$5,153,000.00) Five Million One Hundred Fifty-Three Thousand and NO/100 Dollars (\$) (Surety Bond Amount) for the timely performance of reclamation responsibilities of the surface disturbance described in Exhibit "A" of the Reclamation Agreement.

This **SURETY BOND** will remain in effect until all of the **PERMITTEE'S/PRINCIPAL'S** reclamation obligation have been met and released by the **DIVISION** and is conditioned upon faithful performance of all of the requirements of the Act, the applicable rules and regulations, the approved permit, and the **DIVISION**.

The **SURETY** will not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

The **SURETY** and their successors and assigns, agree to guarantee the obligation and to indemnify, defend, and hold harmless the **DIVISION** from all expenses which the **DIVISION** may sustain as a result of the **PERMITTEE'S/PRINCIPAL'S** failure to comply with the condition(s) of the reclamation obligation.

The **SURETY** will give prompt notice to the **PERMITTEE/PRINCIPAL** and to the **DIVISION** of any notice received or action alleging the insolvency or bankruptcy of the **SURETY**, or alleging any violations or regulatory requirement which could result in suspension or revocation of the **SURETY'S** license.

Terms for release or adjustment of the **BOND** are as written and agreed to by the **DIVISION** and the **PERMITTEE/PRINCIPAL** in the **RECLAMATION AGREEMENT** incorporated by reference herein, to which this **SURETY AGREEMENT** has been attached as Exhibit "B".

IN WITNESS WHEREOF, the **PERMITTEE/PRINCIPAL** has hereunto set it's signature and seal this 4th day of May, 2009.

Nevada Electric Investment
Company

PERMITTEE/PRINCIPAL

By: 

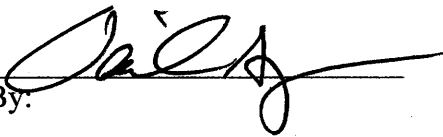
PRESIDENT OF NEICO
Title:

Bond Number: 5035659

IN WITNESS WHEREOF, the SURETY has hereto set it's signature and seal
this 16th day of April, 2009.

Bond Safeguard Insurance
Company

SURETY

By: 

David G. Jensen
Attorney-in-Fact
Title:

ACCEPTED BY THE STATE OF UTAH:

Director,
Division of Oil, Gas & Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE/PRINCIPAL** is a corporation, the Agreement shall be executed by it's duly authorized officer.

**AFFIDAVITS
OF
QUALIFICATION**

Bond Number 5035659

**AFFIDAVIT OF QUALIFICATION
PERMITTEE**

--ooOOoo--

I, ROBERTO R. DENIS being first duly sworn under oath, deposes and says that he/she is
the (officer or agent) PRESIDENT of NEICO;
and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said
PERMITTEE is authorized to execute the same and has complied in all respects with the laws of
Utah in reference to commitments, undertakings and obligations herein.

Attest: [Signature]
Secretary of the Corporation

[Signature]
(Signed)
Name - Position
ROBERTO R. DENIS
PRESIDENT

STATE OF NEVADA)

) ss:

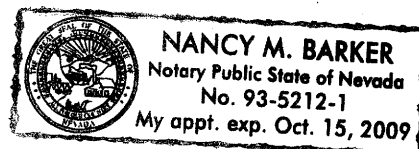
COUNTY OF CLARK)

Subscribed and sworn to before me this 4th day of May, 2009.

[Signature]
Notary Public

My Commission Expires:

Oct 15, 2009



Bond Number 5035659

AFFIDAVIT OF QUALIFICATION
DIRECTOR
--000000--

John Baza, being first duly sworn under oath, deposes and says that he is the Director for the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said Acting Director is authorized to execute the same by authority of laws on behalf of the State of Utah.

John Baza
Director, Division of Oil, Gas and Mining

STATE OF _____)
) ss:
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____ 20____.

Notary Public


My Commission Expires:

_____, 20____.

Bond Number 5035659

**AFFIDAVIT OF QUALIFICATION
SURETY COMPANY
--ooOOoo--**

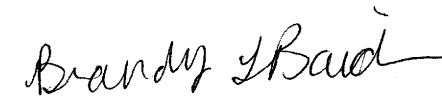
I, David G. Jensen, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) Attorney-in-Fact of Bond Safeguard Insurance Company; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said SURETY COMPANY is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.


(Signed) David G. Jensen Attorney-in-Fact
Surety Company Officer - Position

Attest:

STATE OF Arizona)
) ss:
COUNTY OF Maricopa)

Subscribed and sworn to before me this 16th day of April, 20 09.


Notary Public Brandy L. Baich

My Commission Expires:

April 30, 20 12.



Bond Number 5035659

POWER OF ATTORNEY

AO 30611

POWER OF ATTORNEY

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: David G. Jensen, Maryann Carafello, *****
Brandy L. Baich, Ethan Mitchell Baker *****
its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond, \$ 6,000,000.00 Six million dollars *****

which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

BY _____

David E. Campbell
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 16th Day of April, 20 09



Donald D. Buchanan
Donald D. Buchanan
Secretary